

EXHIBIT B

Declaration of Alan Cannon

Alan Cannon makes the following declaration pursuant to 28 U.S.C. § 1746:

1. My name is Alan Cannon and I am fully competent to make this declaration. Unless otherwise indicated, the facts are within my personal knowledge.
2. I have been employed by Texas A&M University since 1981. My title is Associate Athletics Director for Communications. In 2014, my title was Associate Athletics Director/Media Relations.
3. In 2014, as Associate Athletic Director, I supervised the Athletics Department's media relations office, which consisted of seven information representatives and one office assistant. Two of those representatives who reported to me were Brad Marquardt and Matt Callaway. I reported to Jason Cook, Senior Associate Athletics Director.
4. I understand that in January 2014, while cleaning his office, Brad Marquardt found an old paper article titled *E. King Gill: The Life & Legend of Texas A&M's 12th Man*, by Whit Canning (the "Canning Article"). I understand that Mr. Marquardt asked our department's office assistant to type the document into a word searchable Word document that he could keep and use as a resource.
5. I understand that in mid-January 2014, Jason Cook was working directly with Matt Callaway on a social media plan to remind the public that the "12th Man" tradition had started at A&M. The Canning Article, which contained detailed facts about E. King Gill, would have been a useful source of information in connection with that social media project. As the supervisor of both Mr. Marquardt and Mr. Callaway, I would have expected Mr. Marquardt to share his copy of the Canning Article with Mr. Callaway.
6. In my experience, making a copy of an article like the Canning Article to use as a source for factual information was a common practice in A&M's media relations department. I do not believe Mr. Marquardt, or any other individual working for me, would have understood that making a copy for that purpose, and sharing the copy with a colleague in our office, violated copyright law.
7. As Mr. Marquardt's supervisor, I would not have expected Mr. Marquardt to follow up with Mr. Callaway or Mr. Cook to ensure that their use of the Canning Article would not violate copyright law. Besides having authority over our entire media relations department, Mr. Cook had considerable experience in communications and marketing. A person in Mr. Marquardt's position could have reasonably assumed that whatever use was made of the Canning Article by Mr. Cook and Mr. Callaway, such use would not violate any statute.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed August 25, 2023.


Alan Cannon